

INTERSTATE COMPACTS

The State of Nebraska is authorized to enter into agreements, or compacts, with other states concerning matters of mutual interest. The subjects of these compacts include education, energy conservation, state boundaries and correction systems. Interstate compacts must be approved by the state legislatures involved and Congress. Member states may establish interstate governmental bodies to carry out the compact's provisions. State agencies generally are responsible for administration of these compacts.

Editor's Note: The following is a list of interstate compacts involving Nebraska that are in force. All statutory references in this section indicate the location in the Revised Statutes of Nebraska, except where indicated.

Kansas Nebraska Big Blue River Basin Compact

Statutory References: Appendix 1-115; federal Public Law 92-308

Established by Congress in 1972, the Blue River Basin Compact:

- promotes good relations between Nebraska and Kansas on water issues
- promotes orderly development of the Big Blue River Basin between Kansas and Nebraska and works to divide its waters fairly
- encourages ongoing programs to stop water pollution in the two states and to reduce natural and man-made pollution of the Big Blue River Basin

Big Blue River Basin Compact Administration

Nebraska Contact Person: Jennifer Schellpeper, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

The administrative branch of the compact includes the following members:

- two ex officio members who are the officials (or the officials' designees) who administer the water laws in Kansas and Nebraska
- a Big Blue River Basin resident advisory member from each state who is appointed by his or her respective governor to four-year terms
- a federal government representative who is appointed by the president and serves at his or her pleasure

The administration meets annually. Information, support staff and file storage are shared by Kansas and Nebraska.

Nebraska Member	Position	Term Expires
Kenneth Regier, Aurora	Governor's Appointee	Oct. 1, 2009
Brian P. Dunnigan, Lincoln	Director of Natural Resources.....	Ex Officio
Jennifer Schellpeper, Lincoln	Alternate for Natural Resources Director	Ex Officio
Gary Mitchell	Federal Member.....	Chairman

Interstate Compact on Licensure of Participants in Horse Racing with Pari-Mutuel Wagering

Contact Person: Tom Sage, Executive Director, Nebraska State Racing Commission, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, phone (402) 471-4155, Web site — www.horseracing.state.ne.us

Statutory Reference: 2-1247

The 2001 Legislature passed a law allowing the state to join the compact, which is authorized to issue licenses to horse racing participants in states that allow pari-mutuel wagering. The compact committee may:

- determine which categories of racing participants, such as owners, trainers, jockeys, racing officials and veterinarians, should be licensed by the committee
- establish requirements for initial licensure and renewal of licenses
- investigate applicants' criminal history and gather information from the Federal Bureau of Investigation and state and local law enforcement officials

Nebraska Representative	Position
Dennis P. Lee	Chairman, State Racing Commission

Interstate Compact on the Placement of Children

Nebraska Contact Person: Chris Hanus, Deputy Compact Administrator, Nebraska Department of Health and Human Services, P.O. Box 95026, Lincoln, NE 68509-5044, phone (402) 471-9625, e-mail address — chris.hanus@dhhs.ne.gov

Statutory Reference: 43-1101

All 50 states, the District of Columbia and the Virgin Islands are members of the Interstate Compact on the Placement of Children. The states:

- require that children placed outside their homes be moved to a suitable environment that has the people and the institutions qualified to ensure the children are well cared for
- ensure that the appropriate authorities in a state to where the child is being moved know the reasons behind the placement, which promotes full compact compliance for the protection of children and youth
- give the proper authorities from which the placement is to be made full information to evaluate the proposed placement before it happens
- ensure there is an appropriate, accountable and jurisdictional network for the care of children who are wards of the states or under court jurisdiction

Interstate Corrections Compact

Nebraska Contact Person: Kyle Poppert, Interstate Compact Administrator, Nebraska Department of Correctional Services, Folsom and West Prospector Place, Building 1, P.O. Box 94661, Lincoln, NE 68509-4661, phone (402) 479-5750

Statutory Reference: 29-3401

Under provisions of the Interstate Corrections Compact, the Nebraska Department of Correctional Services has entered agreements with 40 other state correctional departments allowing for the transfer of inmates between their respective correctional institutions.

States involved in the compact are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming.

Interstate Agreement on Detainers (Nebraska Disposition of Untried Charges)

Nebraska Contact Person: Terry R. Ewing, Special Services Administrator, Nebraska Department of Correctional Services, Folsom and West Prospector Place, Building 1, P.O. Box 94661, Lincoln, NE 68509-4661, phone (402) 479-5705, fax (402) 479-5819, e-mail address — tewing@dcs.state.ne.us

Statutory Reference: 29-759; 29-3801 to 29-3809

A detainer is a written demand for the physical custody of a prisoner by another jurisdiction based on an active arrest warrant or untried complaint, information or indictment. The Interstate Agreement on Detainers is a compact that includes 48 states, the District of Columbia and the U.S. government. It provides for the administrative transfer of prisoners who are wanted by other states for trial on criminal charges. Louisiana and Mississippi are not part of the IAD. Within Nebraska, the disposition of untried charges pending in county and local jurisdictions is handled according to procedures similar to those contained in the IAD. The purpose of the IAD and the Intrastate Disposition of Untried Charges is to provide a process by which prisoners and prosecutors may initiate steps to resolve outstanding criminal charges upon which detainers are based. Provisions for speedy trials alleviate uncertainties that slow programming and rehabilitative opportunities for prisoners within the correctional system. The Special Services Unit administrator at the Nebraska Department of Correctional Services serves as the central administrator acting under the authority of the department director.

Driver License Compact

Nebraska Contact Person: Kathy Hraban, Program Manager, Traffic Violations-Financial Responsibility, Nebraska Department of Motor Vehicles, 301 Centennial Mall South, Mall Level, P.O. Box 94877, Lincoln, NE 68509-4877, phone (402) 471-3901

Statutory Reference: Appendix 1-113

The Driver License Compact requires the licensing authority in each compact state to report each conviction for traffic law violations of a person from another compact state to the licensing authority in his or her home state. The home state's licensing authority may limit, revoke or suspend a license for:

- conviction of manslaughter or negligent homicide in an automobile accident
- driving while drunk or under the influence of drugs
- using a motor vehicle during any felony
- not stopping and giving aid to victims of a traffic accident resulting in death or injury

When a person applies for a driver's license, compact states may check whether the applicant has had a license issued by another compact state. The licensing authority may not issue a new license if the applicant's previous one has been suspended or revoked.

Forty-three states belong to the compact. Connecticut, Georgia, Massachusetts, Michigan, Minnesota and Wisconsin are not members.

Compact for Education

Statutory Reference: 79-1501

The 1967 Legislature adopted the Compact for Education. The compact:

- establishes and maintains cooperation and understanding on educational issues among executive, legislative, professional educational and lay leadership at national, state and local levels
- provides forums to discuss and develop education policy alternatives
- provides an information clearinghouse on educational problems and how they are addressed nationwide
- improves state and local education systems

Education Commission of the States

Nebraska Contact Person: Sen. Ron Raikes, Room 1110, State Capitol, P.O. Box 94604, Lincoln, NE 68509-4604, phone (402) 471-2731

A 49-state, nonpartisan, nonprofit organization, the Education Commission of the States carries out the Compact for Education. The number of member states varies each year. The commission also includes the District of Columbia, American Samoa, the Virgin Islands and Puerto Rico. The commission:

- collects and analyzes educational needs and resources information
- encourages education research, particularly in public education systems
- develops education finance proposals at all levels

- conducts and participates in educational research
- devises policies and plans to improve public education and makes recommendations available to governmental units and public officials

Nebraska has seven members on the commission. Members include the governor or governor's designee; the commissioner of education; three state senators appointed by the Executive Board of the Legislature for two-year terms; and two governor-appointed members who serve at the governor's pleasure. One governor-appointed member must be a Class II, III, IV, V or VI school board member or a representative of a state school board association.

The commission meets annually. Its steering committee also meets two times each year. Members are not paid but are reimbursed for expenses.

Nebraska Member

Represents

John A. Bonaiuto, Lincoln.....	Nebraska Association of School Boards
Roger Breed, Lincoln.....	Commissioner of Education
Sen. Annette Dubas, Fullerton.....	Legislature
Sen. John Harms, Scottsbluff	Legislature
Gov. David Heineman, Lincoln.....	Governor
Jess Wolf, Lincoln.....	Nebraska State Education Association
Vacant	Legislature

Midwestern Higher Education Compact

Statutory Reference: 85-1301

The 1991 Legislature approved Nebraska's participation in the Midwestern Higher Education Compact, which is an effort to advance Midwestern higher education through interstate cooperation and resource sharing.

Midwestern Higher Education Compact Commission

Regional Compact Office Address: 1300 S. Second St., Suite 130, Minneapolis, MN 55454-1079, phone (612) 626-8288, Web site — www.mhec.org

Nebraska Contact Person: Dr. Marshall A. Hill, Coordinating Commission for Postsecondary Education, 140 N. Eighth St., Suite 300, P.O. Box 95005, Lincoln, NE 68509-5005, phone (402) 471-2847

Established in 1991 as an interstate compact agency, the Midwestern Higher Education Compact promotes interstate cooperation and resource sharing in higher education. As of April 2008, the member states of MHEC include Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

The compact follows six major goals in carrying out its mission. The goals include enhancing productivity through reductions in administrative costs; encouraging student access, completion and affordability; facilitating public policy analysis and information exchange; facilitating regional academic cooperation and services; promoting quality educational programs; and encouraging innovation in the delivery of educational services.

Nebraska commissioners include the governor or governor's designee; two state senators appointed by the Executive Board of the Legislature for two-year terms; and two governor-appointed Nebraska higher education representatives, one of whom serves on the Coordinating Commission for Postsecondary Education. The governor-appointed members serve four-year terms.

Nebraska Representative	Position	Term Expires
Sen. Greg Adams, York.....	Legislature.....	Jan. 1, 2010
Randolph Ferlic, Omaha.....	At Large	Jan. 9, 2011
Sen. Deb Fischer, Valentine.....	Legislature.....	Jan. 1, 2010
Dr. Linda Ray Pratt, Lincoln.....	University of Nebraska.....	July 1, 2011
Eric Seacrest, North Platte	Coordinating Commission for Postsecondary Education	July 1, 2011
Dr. Marshall A. Hill, Lincoln.....	Alternate	

Emergency Management Assistance Compact

Nebraska Contact Person: Brig. Gen. Timothy Kadavy, 1300 Military Road, Lincoln, NE 68508-1090, phone (402) 741-7421

Statutory Reference: Appendix 1-109

In 1999, the Legislature ratified the Emergency Management Assistance Compact. Under this compact, Nebraska can enter emergency agreements and/or mutual aid plans or supplementary agreements with other states that have ratified the compact. The compact seeks to provide assistance between member states during any emergency or disaster duly declared by the governor of the affected state. The compact also seeks to provide mutual cooperation in emergency-related exercises, testing or other training activities.

Iowa-Nebraska Boundary Compacts

Nebraska Contact Person: Brian P. Dunnigan, Acting Director, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

Statutory Reference: Appendix 1-104

The Iowa-Nebraska Boundary Compacts establish the boundary line between Iowa and Nebraska.

Interstate Compact on Juveniles

Nebraska Contact Persons: Terri Nutzman, Compact Administrator, Nebraska Department of Health and Human Services, P.O. Box 95026, Lincoln, NE 68509-5044, phone (402) 471-8403, e-mail address — terri.nutzman@dhss.ne.gov; Ellen Fabian Brokofsky, Compact Administrator/Probation, Supreme Court of Nebraska, Room 1207, State Capitol, P.O. Box 98910, Lincoln, NE 68509-8910, phone (402) 471-2141

Statutory References: 43-1001 and 43-1002

The Interstate Compact on Juveniles:

- provides out-of-state investigation and cooperative supervision of delinquent juveniles placed on probation or released on parole
- ensures uniform supervision standards for out-of-state juvenile probationers and parolees
- provides for the return of juvenile absconders and escapees to the state from which they had absconded or escaped
- provides for the legal return of runaways who have not been previously adjudged delinquent

All states, Guam, the Virgin Islands and the District of Columbia belong to the compact. The states agree to cooperate when supervising delinquent juveniles placed on probation or parole.

Terms of the Interstate Compact on Juveniles are further outlined in the compact's Out-of-State Confinement Amendment (statutory reference: 43-1008) and Out-of-State Rendition Amendment (statutory reference: 43-1010).

Interstate Compact on Mental Health

Nebraska Contact Person: Stacey Werth-Sweeney, State Designee, Nebraska Department of Health and Human Services, P.O. Box 95026, Lincoln, NE 68509-5026, phone (402) 479-5271, e-mail address — stacey.werthswweeney@dhhs.ne.gov

Statutory Reference: 83-801

The Interstate Compact on Mental Health provides the legal basis for the proper care, treatment and institutionalization of the mentally disabled. The 44-state compact allows for patient transfers between states when mental health officials decide a patient's care and treatment will be improved by the transfer. Compact states must ensure that services are available to all based on need and not where they live or citizenship status. All states belong to the compact except Arizona, California, Mississippi, Nevada, Utah and Virginia.

The director of the Nebraska Department of Health and Human Services can either serve as the compact administrator or appoint a state designee.

Nebraska-Missouri Boundary Compact

Nebraska Contact Person: Brian P. Dunnigan, Acting Director, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

Statutory Reference: Appendix 1-114 and LB 59 (1998)

The Nebraska-Missouri Boundary Compact establishes the boundary line between Nebraska and Missouri.

Nonresident Violator Compact of 1977

Nebraska Contact Person: Kathy Hraban, Program Manager, Financial Responsibility Division, Nebraska Department of Motor Vehicles, 301 Centennial Mall South, Mall Level, P.O. Box 94877, Lincoln, NE 68509-4877, phone (402) 471-3878

Statutory Reference: Appendix 1-119

The Nebraska Department of Motor Vehicles director can enter the state into nonresident motor vehicle law violator compacts with other states. Compact states have the following agreements:

- when issuing a traffic violation citation to an out-of-state driver who is a resident of a compact state, a police officer cannot require the motorist to post collateral
- unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, it should take place immediately after the citation is issued.
- if a motorist fails to pay a traffic citation, the state's licensing authority where the citation occurred is notified. The licensing authority passes this information on within six months to the licensing authority in the motorist's home state.
- the licensing authority in the state where the citation was issued cannot suspend the driver's license of a motorist failing to pay a citation
- the licensing authority report cannot be sent to the motorist's home state if the citation was issued before the two states entered the compact

All states belong to the compact except Alaska, California, Michigan, Montana, Oregon and Wisconsin.

North Platte River Decree

Nebraska Contact Person: Jennifer Schellpeper, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

Statutory Reference: 534 U.S. 40

Nebraska Representative to the North Platte Decree Committee: Brian P. Dunnigan, Acting Director

Alternate Representative: Jennifer Schellpeper

Based on a 1945 U.S. Supreme Court ruling modified by a 2001 joint settlement, the North Platte River is allocated to parts of Nebraska, Wyoming and Colorado. The decree restricts the number of acres irrigated from surface water and hydrologically groundwater wells, the use of surface and groundwater and the amount of water that can be stored or transferred out of basin. The decree also places regulations on Colorado and Wyoming in order to get water to a critical reach of the river in eastern Wyoming. The water in this critical reach is divided 25 percent to Wyoming and 75 percent to Nebraska from May 1 to Sept. 30. The decree is administered by the North Platte Decree Committee.

Nurse Licensure Compact

Statutory Reference: 71-1795

The 2000 Legislature passed a bill to create the Nurse Licensure Compact. The compact encourages the cooperation of member states in the areas of nurse licensure and regulation. The compact also facilitates the exchange of information between member states in the areas of nurse regulation, investigation and adverse actions.

Interstate Compact to Conserve Oil and Gas

Statutory Reference: Appendix 1-108

The purpose of the Interstate Compact to Conserve Oil and Gas is to prevent oil and gas waste. The compact established the Interstate Oil and Gas Compact Commission.

Interstate Oil and Gas Compact Commission

Nebraska Contact Person: William H. Sydow, Director, Nebraska Oil and Gas Conservation Commission, 922 Illinois St., P.O. Box 399, Sidney, NE 69162-0399, phone (308) 254-6919, fax (308) 254-6922

Established in 1935, the Interstate Oil and Gas Compact Commission of Oklahoma City, Okla., helps states regulate oil and gas by providing legal and engineering assistance. Nebraska joined the compact in 1953. Twenty-nine other states are members, and seven more are associate members. Georgia, Egypt, Venezuela and the Canadian provinces of Alberta, Nova Scotia, Newfoundland, Labrador and Saskatchewan are international affiliates. States may withdraw from the compact with 60 days' notice.

Member states include Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Virginia, West Virginia and Wyoming. Associate members are Georgia, Idaho, Missouri, North Carolina, Oregon, South Carolina and Washington.

The commission works to determine oil and gas conservation methods and stop oil and gas waste. The commission sends research findings to compact states for their adoption or rejection. The commission, which meets three times a year, operates on money from the compact states.

The governor of each compact state serves on the commission. Each governor may recommend an official representative to serve on the commission in the governor's absence. The commission's chairperson makes appointments for one- to three-year terms.

Nebraska's governor and official representative do not have the authority to put into effect any rules, regulations or decisions affecting the oil industry without public

hearings. Commission membership is paid from the Nebraska Oil and Gas Conservation Commission’s cash fund.

Nebraska Representative	Position
Gov. David Heineman, Lincoln (Member)	Governor
William H. Sydow, Sidney (Official Representative)	Director, Oil and Gas Conservation Commission

Interstate Compact on Out-of-State Parolee/Probationer Supervision

Nebraska Contact Persons: Sally Reinhardt-Stewart, Deputy Compact Administrator/Adult Parole, Nebraska Department of Correctional Services, Folsom and West Prospector Place, Building 1, P.O. Box 94661, Lincoln, NE 68509-4661, phone (402) 471-2654; Katherine Widders, Probation Compact Supervisor, Supreme Court of Nebraska, Room 1214, State Capitol, P.O. Box 98910, Lincoln NE 68509-8910, phone (402) 471-2141, fax (402) 471-2197; Kari Rumbaugh, Probation Deputy Compact Administrator, phone (402) 471-2855, fax (402) 471-1853

Statutory Reference: 29-2637

Created in 1937, the Interstate Compact on Out-of-State Parolee/Probationer Supervision has all states, the District of Columbia, Puerto Rico and the Virgin Islands as members. The compact:

- provides cooperative supervision of convicts placed on probation or released on parole
- ensures uniform supervision standards of out-of-state probationers and parolees
- waives the legal requirements to obtain extradition for the return of probationers or parolees
- allows officers to transport prisoners through compact states without interference

Republican River Compact

Statutory References: Appendix 1-106; U.S. May 26, 1943, c. 104

The Republican River Compact apportions the river’s virgin water supply of the Republican River and its tributaries among Colorado, Kansas and Nebraska. The compact:

- provides for the most efficient use of Republican River Basin waters for multiple purposes
- provides for equitable division of such waters
- removes causes, present and future, which might lead to controversies
- promotes interstate comity
- recognizes that the most efficient use of the waters within the basin is for beneficial consumptive use

- promotes joint action by the states and the United States in the efficient use of water and the control of destructive floods

In 1998, the State of Kansas sued the State of Nebraska alleging that Nebraska was violating the compact by using more than its allocated share of the water. The suit was expanded to include claims of overuse in Colorado and northwest Kansas. A settlement was reached in December 2002.

Republican River Compact Administration

Nebraska Contact Person: Jim Williams, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

The Republican River Compact Administration was established to carry out the Republican River Compact. The U.S. Geological Survey works with the compact administration to collect, correlate and publish water facts.

Administration members are the officials in each state who administer public water supplies. In Nebraska, the director of the Department of Natural Resources fulfills that role. The three administration members adopt rules and regulations to enforce the compact's provisions. The administration's chairperson is elected at its annual meeting. The chairmanship, support staff and storage files are rotated among the three compact states.

South Dakota-Nebraska Boundary Compacts

Nebraska Contact Person: Brian P. Dunnigan, Acting Director, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

Statutory References: Appendix 1-123; federal law (55th Congress, Chapter 12, and 58th Congress, Chapter 1295)

Nebraska and South Dakota have entered into compacts to establish the boundary line between the two states. Congress passed two compacts in 1897 and 1905.

South Platte River Compact

Nebraska Contact Person: Brian P. Dunnigan, Acting Director, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

Statutory References: Appendix 1-105; U.S. March 8, 1926, c. 46, 44 Stat. 195

Created by Congress in 1926, the South Platte River Compact provides for the use and disposition of South Platte River waters between Colorado and Nebraska. The two states approved the compact in 1923.

A commissioner from each state oversees the compact's administration. Commissioners represent their states in negotiations, but the commissioners' state legislatures must approve the agreements before they become binding. Nebraska's commissioner serves at the governor's pleasure.

Nebraska Commissioner	Position
Brian P. Dunnigan, Lincoln	Director of Natural Resources
Tom Hayden, Bridgeport (Alternate).....	Department of Natural Resources

Wyoming-Nebraska Compact on Upper Niobrara River

Nebraska Contact Person: Jennifer Schellpeper, Nebraska Department of Natural Resources, 301 Centennial Mall South, Fourth Floor, P.O. Box 94676, Lincoln, NE 68509-4676, phone (402) 471-2363

Statutory Reference: Appendix 1-112

In 1962, Nebraska and Wyoming entered the Wyoming-Nebraska Compact on Upper Niobrara River to govern its use. Congress authorized this compact with acts passed in 1953, 1958 and 1961. The compact:

- fairly divides the river’s surface water between the two states
- fairly divides the river’s underground flow after reviewing information on ground-water and underground water flow
- promotes friendly relations over use of the river’s water by the two states
- works to solve water use problems that might lead to controversies

Officials responsible for overseeing public water supplies in their states administer the compact. These officials may adopt rules and regulations within the compact’s provisions. The U.S. Geological Survey works with the states’ officials to collect, correlate and publish information necessary for proper compact administration.

Nebraska Official	Position
Brian P. Dunnigan, Lincoln	Director of Natural Resources
Tom Hayden, Bridgeport (Alternate).....	Department of Natural Resources